IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

S.A.No.60 of 2004

(Shri.Chandrakant V.Dhole V/s.Shri.D.B.Jadhav & Ors.)

Office Notes, Office Memo-randa of Coram, Apperances Courts orders or directions and Registrar's orders	Court's or Judges Orders

Mr.Dilip Bodake for the Appellant.
Mr.R.V.More for the Respondents.

CORAM: DR.S.RADHAKRISHNAN,J.
DATE : 10th July, 2006

P.C.:

1. Heard the learned Counsel for the parties. The suit is for permanent injunction restraining the Respondents from disturbing the possession of the Appellant. Both the Courts below have concurrently held that the Appellant is not in possession and that the Respondents are in possession of the property. Merely because the Appellant has title to the property, as the Appellant is not in possession of the suit property, the Appellant cannot maintain the aforesaid suit for permanent injunction. There is no substantial question of law invilved in this Appeal. Hence, the Appeal stands dismissed.

2. It is made clear that the judgments of both the Courts below will not come in the way of the Appellant adopting appropriate proceedings for possession.

(DR.S.RADHAKRISHNAN,J.)